

THIS ENTIRE REGULATION WILL BE REPEALED.

Final Adoption

Date Published in Mass. Register: April 28, 2023

~~101 CMR: EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES~~

**~~101 CMR 452.00: SUPPLEMENTAL RATES FOR WORKFORCE INVESTMENT FOR CERTAIN
HEALTH AND HUMAN SERVICES PROGRAMS~~**

Section

~~452.01: General Provisions~~

~~452.02: Definitions~~

~~452.03: Rate Provisions~~

~~452.04: Filing and Reporting Requirements~~

~~452.05: Severability~~

452.01: General Provisions

~~(1) Scope and Purpose. 101 CMR 452.00 governs the payment rates for workforce investment for certain Health and Human Services programs purchased by a governmental unit including, but not limited to, the Department of Developmental Services (DDS), the Massachusetts Commission for the Blind (MCB), the Massachusetts Rehabilitation Commission (MRC), the Department of Mental Health (DMH), the Department of Public Health (DPH), the Massachusetts Commission for the Deaf and Hard of Hearing (MCDHH), the Department of Children and Families (DCF), the Department of Youth Services (DYS), the Executive Office of Elder Affairs (EOEA), and MassHealth.~~

~~(2) Applicable Dates of Service. Rates contained in 101 CMR 452.00 apply for dates of service as stated in 101 CMR 452.03(5).~~

~~(3) Disclaimer of Authorization of Services. 101 CMR 452.00 is neither authorization for nor approval of the services for which rates are determined pursuant to 101 CMR 452.00. Governmental units that purchase the services described in 101 CMR 452.00 are responsible for the definition, authorization, and approval of services provided to clients.~~

~~(4) Administrative Bulletins. EOHHS may issue administrative bulletins to clarify its policy on substantive provisions of 101 CMR 452.00.~~

~~(5) Parent Regulations. 101 CMR 452.00 describes operational add-on rates for certain services whose basic rates are governed by other regulations. For services not included in 101 CMR 452.01(5), please refer to the parent regulation listed below.~~

Parent Regulation
101 CMR 306.00: Rates of Payment for Mental Health Services Provided in Community Health Centers and Mental Health Centers
101 CMR 346.00: Rates for Certain Substance-related and Addictive Disorders Programs
101 CMR 413.00: Payments for Youth Intermediate-term Stabilization Services
101 CMR 414.00: Rates for Family Stabilization Services
101 CMR 417.00: Rates for Certain Elder Care Services
101 CMR 418.00: Payments for Youth Short-term Stabilization and Emergency Services

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Parent Regulation
101 CMR 421.00: Rates for Adult Housing and Community Support Services
101 CMR 424.00: Rates for Certain Developmental and Support Services
101 CMR 427.00: Rates for Certain Youth and Young Adult Support Services
101 CMR 428.00: Rates for Certain Independent Living Communities and Services
101 CMR 429.00: Rates for Certain Sexual and Domestic Violence Services
101 CMR 430.00: Rates for Program of Assertive Community Treatment Services
101 CMR 431.00: Rates for Certain Respite Services
101 CMR 432.00: Rates for Certain Lead Agency Services
101 CMR 329.00: Psychological Testing, Treatment, and Related Services
101 CMR 307.00: Rates for Psychiatric Day Treatment Center Services
101 CMR 358.00: Rates of Payment for Applied Behavior Analysis
101 CMR 444.00: Rates for Certain Substance Use Disorder Services

~~452.02: Definitions~~

As used in 101 CMR 452.00, terms have the meanings as defined in 101 CMR 452.02, except as otherwise provided:

~~Client.~~ An individual receiving services purchased by a governmental unit.

~~Cost Report.~~ The document used to report costs and other financial and statistical data. The Uniform Financial Statements and Independent Auditor's Report (UFR) pursuant to 808 CMR 1.00: *Compliance, Reporting and Auditing for Human and Social Services* is used when required.

~~COVID-19 Payment Rate.~~ A rate that is intended to take into account the change in program model necessary due to COVID-19 requirements, which will be instituted at the discretion of the purchasing governmental unit.

~~EOHHS.~~ The Executive Office of Health and Human Services established under M.G.L. c. 6A.

~~Governmental Unit.~~ The Commonwealth, any board, commission, department, division, or agency of the Commonwealth and any political subdivision of the Commonwealth.

~~Provider.~~ Any individual, group, partnership, trust, corporation, or other legal entity that offers services for purchase by a governmental unit and that meets the conditions of purchase or licensure that have been adopted by a purchasing governmental unit.

~~Reporting Year.~~ The provider's fiscal year for which costs incurred are reported to the Operational Services Division on the Uniform Financial Statements and Independent Auditor's Report (UFR) pursuant to 808 CMR 1.00: *Compliance, Reporting and Auditing for Human and Social Services*.

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~~State Funding.~~ The aggregate amount of payments to a provider by a governmental unit for services purchased at rates established in 101 CMR 452.01(5). State funding does not include any amounts attributable to federal funding or grant funds.

~~Workforce Investment.~~ Funds directed to a provider for workforce investment. As a condition of receipt of these additional funds, eligible provider agencies must complete an attestation assuring EOHHS that they will use at least 90% of the funds for health and human service workforce development, which could include hiring and retention bonuses and other categories of front line worker compensation.

~~452.03: Rate Provisions~~

(1) ~~Services Included in the Rate.~~ The approved rate includes payment for all care and services that are part of the program of services of an eligible provider, as explicitly set forth in the terms of the purchase agreement between the eligible provider and the purchasing governmental unit(s).

(2) ~~Reimbursement as Full Payment.~~ Each eligible provider must, as a condition of acceptance of payment made by any purchasing governmental units for services rendered, accept the approved program rate as full payment and discharge of all obligations for the services rendered. Payment from any other source will be used to offset the amount of the purchasing governmental unit's obligation for services rendered to the publicly assisted client.

(3) ~~Payment Limitations.~~ No purchasing governmental unit may pay less than or more than the approved program rate.

(4) ~~State Funding Monthly Calculation.~~ The state funding monthly average calculation is calculated according to the following formula: Sum of $\{[(\text{total fiscal year 2022 State spend on the services listed in 101 CMR 452.01(5)}/12 \text{ (months)})]\}$.

(5) ~~Approved Rates.~~ The approved rate is the lower of the provider's charge or amount accepted as payment from another payer or the rate listed in 101 CMR 452.03(5).

(a) ~~Program Service Rates Effective July 1, 2022 through September 30, 2022.~~ Effective October 1, 2022, the rates revert to the rates in the parent regulations listed in 101 CMR 452.01(5), unless otherwise provided at 101 CMR 452.03(5).

Add-on	Unit	Rate
Workforce Investment for the Services Listed in 101 CMR 452.03(5)(a)	Monthly	10% of the Provider's Fiscal Year 2022 Average monthly State Funding

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Applicable Program Service(s)	Parent Regulation
Community Mental Health Center Services	101 CMR 306.00: Rates of Payment for Mental Health Services Provided in Community Health Centers and Mental Health Centers
Inpatient Services, Residential Services (Excluding Residential Rehab Co-occurring Enhanced), Opioid Treatment Services, Ambulatory Services, Clinical Case Management Services, Day Treatment Services, Outpatient Services, Supportive Case Management Services, Triage, Engagement and Assessment Services, and Office-based Opioid Treatment Programs	101 CMR 346.00: Rates for Certain Substance-related and Addictive Disorders Programs
Youth Residential Substance Use Disorder Treatment, Clinically Intensive Youth Residential Substance Use Disorder Treatment, Clinically Intensive Residential Treatment, Congregate Care Program Services and Rates and Add-on services, and the services formerly known as “Caring Together” Services	101 CMR 413.00: Payments for Youth Intermediate-term Stabilization Services
Family and Micro Family Resource Centers and Staff Add-on Services and DMH’s Flexible Support Services	101 CMR 414.00: Rates for Family Stabilization Services
Central Intake and Assessment Program	101 CMR 417.00: Rates for Certain Elder Care Services
Staffing Support Services and Transitional Age Youth Detoxification and Stabilization Programs	101 CMR 418.00: Payments for Youth Short-term Stabilization and Emergency Placement Services
Adult Housing and Community Support Services	101 CMR 421.00: Rates for Adult Housing and Community Support Services
Clinical Team Services	101 CMR 424.00: Rates for Certain Developmental and Support Services
Alternative Lock-up Program, Conflict of Interest Services, Teen Pregnancy Prevention Services, Therapeutic Day Services and Staff Add-on Services, and Young Parent Support Program and Staff Add-on Services	101 CMR 427.00: Rates for Certain Youth and Young Adult Support Services
Deaf and Hard of Hearing Independent Living Services, Recovery Learning Communities, and Vocational Rehabilitation Independent Living Services	101 CMR 428.00: Rates for Certain Independent Living Communities and Services

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Applicable Program Service(s)	Parent Regulation
Domestic Violence Community-based Services, Child Exposed to Domestic Violence Services, Supervised Visitation Services, Sexual and Domestic Equity and Legal Services, Intimate Partner Abuse and Educational Services, Rape Crisis Centers and Satellite Centers, Rape Crisis Direct Care Add-on Staff Services, and Statewide Specialized Hotline Services	101 CMR 429.00: Rates for Certain Sexual and Domestic Violence Services
Program of Assertive Community Treatment Services	101 CMR 430.00: Rates for Program of Assertive Community Treatment Services
Respite Services	101 CMR 431.00: Rates for Certain Respite Services
Lead Agency Services	101 CMR 432.00: Rates for Certain Lead Agency Services
Psychological Services	101 CMR 329.00: Psychological Testing, Treatment, and Related Services
Psychiatric Day Treatment	101 CMR 307.00: Rates for Psychiatric Day Treatment Center Services
Applied Behavior Analysis	101 CMR 358.00: Rates of Payment for Applied Behavior Analysis
Opioid Treatment Services (excluding codes J0571-J0575 and J3490), Recovery Support Navigator, Individualized Treatment and Stabilization Services	101 CMR 444.00: Rates for Certain Substance Use Disorder Services

~~(b) Program Service Rates Effective October 1, 2022 through December 31, 2022. Effective January 1, 2023, the rates revert to the rates in the parent regulations listed in 101 CMR 452.01(5), unless otherwise provided at 101 CMR 452.03(5).~~

Add-on	Unit	Rate
Workforce Investment for the Services Listed in 101 CMR 452.03(5)(b)	Monthly	10% of the Provider's Fiscal Year 2022 Average monthly State Funding

Applicable Program Service(s)	Parent Regulation
Community Mental Health Center Services	101 CMR 306.00: Rates of Payment for Mental Health Services Provided in Community Health Centers and Mental Health Centers

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Applicable Program Service(s)	Parent Regulation
Inpatient Services, Residential Services (Excluding Residential Rehab Co-occurring Enhanced), Opioid Treatment Services, Ambulatory Services, Clinical Case Management Services, Day Treatment Services, Outpatient Services, Supportive Case Management Services, Triage, Engagement and Assessment Services, and Office-based Opioid Treatment Programs	101 CMR 346.00: Rates for Certain Substance-related and Addictive Disorders Programs
Youth Residential Substance Use Disorder Treatment, Clinically Intensive Youth Residential Substance Use Disorder Treatment, Clinically Intensive Residential Treatment, Community Treatment Residential, Emergency Residence, Intensive Residential Treatment, Intensive Treatment Residence, Medically Complex and Behavioral Residence, Medically Complex Residence, Specialty Treatment Residence, Young Adult and Youth Therapeutic Group Care, Young Parent Assessment and Living Program, Staff Add-on Services, and the services formerly known as "Caring Together" Services	101 CMR 413.00: Payments for Youth Intermediate-term Stabilization Services
Family and Micro-Family Resource Centers and Staff Add-on Services and DMH's Flexible Support Services	101 CMR 414.00: Rates for Family Stabilization Services
Central Intake and Assessment Program	101 CMR 417.00: Rates for Certain Elder Care Services
Adult Housing and Community Support Services	101 CMR 421.00: Rates for Adult Housing and Community Support Services
Clinical Team Services	101 CMR 424.00: Rates for Certain Developmental and Support Services
Alternative Lock-up Program, Conflict of Interest Services, Teen Pregnancy Prevention Services, Therapeutic Day Services and Staff Add-on Services, and Young Parent Support Program and Staff Add-on Services	101 CMR 427.00: Rates for Certain Youth and Young Adult Support Services
Deaf and Hard-of-Hearing Independent Living Services, Recovery Learning Communities, and Vocational Rehabilitation Independent Living Services	101 CMR 428.00: Rates for Certain Independent Living Communities and Services

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Applicable Program Service(s)	Parent Regulation
Domestic Violence Community-based Services, Child Exposed to Domestic Violence Services, Supervised Visitation Services, Sexual and Domestic Equity and Legal Services, Intimate Partner Abuse and Educational Services, Rape Crisis Centers and Satellite Centers, Rape Crisis Direct Care Add-on Staff Services, and Statewide Specialized Hotline Services	101 CMR 429.00: Rates for Certain Sexual and Domestic Violence Services
Program of Assertive Community Treatment Services	101 CMR 430.00: Rates for Program of Assertive Community Treatment Services
Respite Services	101 CMR 431.00: Rates for Certain Respite Services
Lead Agency Services	101 CMR 432.00: Rates for Certain Lead Agency Services
Psychological Services	101 CMR 329.00: Psychological Testing, Treatment, and Related Services
Psychiatric Day Treatment	101 CMR 307.00: Rates for Psychiatric Day Treatment Center Services
Opioid Treatment Services (excluding codes J0571-J0575 and J3490), Recovery Support Navigator, Individualized Treatment and Stabilization Services	101 CMR 444.00: Rates for Certain Substance Use Disorder Services

~~(e) Program Service Rates Effective January 1, 2023 through June 30, 2023. Effective July 1, 2023, the rates revert to the rates in the parent regulations listed in 101 CMR 452.01(5).~~

Add-on	Unit	Rate
Workforce Investment for the Services Listed in 101 CMR 452.03(5)(c)	Monthly	10% of the Provider's Fiscal Year 2022 Average monthly State Funding

Applicable Program Service(s)	Parent Regulation
Inpatient Services, Residential Services (Excluding Residential Rehab Co-occurring Enhanced), Supportive Case Management Services, Triage, Engagement and Assessment Services, and Office-based Opioid Treatment Programs	101 CMR 346.00: Rates for Certain Substance-related and Addictive Disorders Programs

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Applicable Program Service(s)	Parent Regulation
Youth Residential Substance Use Disorder Treatment, Clinically Intensive Youth Residential Substance Use Disorder Treatment, Clinically Intensive Residential Treatment, Community Treatment Residential, Emergency Residence, Intensive Residential Treatment, Intensive Treatment Residence, Medically Complex and Behavioral Residence, Medically Complex Residence, Specialty Treatment Residence, Young Adult and Youth Therapeutic Group Care, Young Parent Assessment and Living Program, Staff Add-on Services, and the services formerly known as “Caring Together” Services	101 CMR 413.00: <i>Payments for Youth Intermediate-term Stabilization Services</i>
Family and Micro-Family Resource Centers and Staff Add-on Services	101 CMR 414.00: <i>Rates for Family Stabilization Services</i>
Staffing Support Services and Transitional Age Youth Detoxification and Stabilization Programs	101 CMR 418.00: <i>Payments for Youth Short-term Stabilization and Emergency Placement Services</i>
Adult Housing and Community Support Services	101 CMR 421.00: <i>Rates for Adult Housing and Community Support Services</i>
Alternative Lock-up Program, Conflict of Interest Services, Teen Pregnancy Prevention Services, Therapeutic Day Services and Staff Add-on Services, and Young Parent Support Program and Staff Add-on Services	101 CMR 427.00: <i>Rates for Certain Youth and Young Adult Support Services</i>
Deaf and Hard of Hearing Independent Living Services, Recovery Learning Communities, and Vocational Rehabilitation Independent Living Services	101 CMR 428.00: <i>Rates for Certain Independent Living Communities and Services</i>
Domestic Violence Community-based Services, Child Exposed to Domestic Violence Services, Supervised Visitation Services, Sexual and Domestic Equity and Legal Services, Intimate Partner Abuse and Educational Services, Rape Crisis Centers and Satellite Centers, Rape Crisis Direct Care Add-on Staff Services, and Statewide Specialized Hotline Services	101 CMR 429.00: <i>Rates for Certain Sexual and Domestic Violence Services</i>
Program of Assertive Community Treatment Services	101 CMR 430.00: <i>Rates for Program of Assertive Community Treatment Services</i>
Respite Services	101 CMR 431.00: <i>Rates for Certain Respite Services</i>

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Applicable Program Service(s)	Parent Regulation
Lead Agency Services	101 CMR 432.00: Rates for Certain Lead Agency Services
Psychiatric Day Treatment	101 CMR 307.00: Rates for Psychiatric Day Treatment Center Services
Individualized Treatment and Stabilization Services	101 CMR 444.00: Rates for Certain Substance Use Disorder Services

~~452.04: Filing and Reporting Requirements~~

~~(1) General Provisions.~~

- ~~(a) Accurate Data. All reports, schedules, additional information, books, and records that are filed or made available to EOHHS must be certified under pains and penalties of perjury as true, correct, and accurate by the executive director or chief financial officer of the provider.~~
- ~~(b) Examination of Records. Each provider must make available to EOHHS or the purchasing governmental unit upon request all records relating to its reported costs, including costs of any entity related by common ownership or control.~~
- ~~(c) Field Audits. EOHHS may conduct a field audit. EOHHS will make reasonable attempts to schedule an audit at the mutual convenience of both parties.~~

~~(2) Required Reports.~~ Each provider must file

- ~~(a) an annual Uniform Financial Statements and Independent Auditor's Report completed in accordance with the filing requirements of 808 CMR 1.00: *Compliance, Reporting and Auditing for Human and Social Services*;~~
- ~~(b) any cost report supplemental schedule as issued by EOHHS; and~~
- ~~(c) any additional information requested by EOHHS within 21 days after the date of mailing of a written request.~~

~~(3) Penalty for Noncompliance.~~ The purchasing governmental unit may impose a penalty in the amount of up to 15% of its payments to any provider that fails to submit required information. The purchasing governmental unit will notify the provider in advance of its intention to impose a penalty under 101 CMR 452.04(3).

~~452.05: Severability~~

The provisions of 101 CMR 452.00 are severable. If any provision of 101 CMR 452.00 or application of such provision to any eligible provider or fiscal intermediary is held invalid or unconstitutional, such determination will not affect the validity or constitutionality of any remaining provisions of 101 CMR 452.00 or application of such provisions to eligible providers or fiscal intermediaries in circumstances other than those held invalid.

REGULATORY AUTHORITY

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~~101 CMR 452.00: M.G.L. c. 118E.~~